

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NICOLAS A. DECOSTA,

Defendant.

8:21CR193

STATEMENT OF PLAINTIFF
PURSUANT TO NECrimR. 32.1(b)
REGARDING SENTENCING
PROCEDURES AND ADOPTION OF
THE SECOND REVISED
PRESENTENCE INVESTIGATION
REPORT AND ADDENDUM

COMES NOW Plaintiff, the United States of America, by and through the undersigned Assistant United States Attorney, and hereby provides this written statement in accordance with NECrimR. 32.1(b), regarding Sentencing Procedures.

Plaintiff hereby adopts the 2nd Revised Presentence Investigation Report (PSR). Plaintiff does not join defendant's objection to the adjustment for role in the offense (PSR, ¶¶ 80, 90) but currently does not anticipate offering additional evidence at sentencing relating to that issue, or any other issue raised by the defendant. "Evidence that a defendant directed the criminal activities of another coconspirator on one occasion, or that the defendant recruited a member into the conspiracy, is sufficient to support a finding of aggravating role in the offense." United States v. Werkmeister, 62 F.4th 465 (8th Cir. 2023).

Respectfully Submitted,

UNITED STATES OF AMERICA,

STEVEN A. RUSSELL
United States Attorney
District of Nebraska

By: s/ Christopher L. Ferretti
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CERTIFICATE OF SERVICE

I hereby certify that on May 19, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all registered participants. I also hereby certify that a copy of the same was served by regular mail, postage prepaid, to the following non-CM/ECF participants:

Jessica Curd
US Probation

s/ Christopher L. Ferretti
Assistant U.S. Attorney